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NORTHERN DISTRICT OF CALIFORNIA

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10 Attorneys for Plaintiffs,  
11 LAFACE RECORDS LLC; ELEKTRA  
12 ENTERTAINMENT GROUP INC.; UMG  
13 RECORDINGS, INC.; and WARNER BROS.  
14 RECORDS INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

SBA

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17 LAFACE RECORDS LLC, a Delaware limited  
18 liability company; ELEKTRA  
19 ENTERTAINMENT GROUP INC., a Delaware  
20 corporation; UMG RECORDINGS, INC., a  
21 Delaware corporation; and WARNER BROS.  
22 RECORDS INC., a Delaware corporation,

CASE NO.

**EX PARTE APPLICATION FOR LEAVE  
TO TAKE IMMEDIATE DISCOVERY**

23 Plaintiffs,

24 v.

25 JOHN DOE #4,

26 Defendant.

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1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
7 third party Internet Service Provider (“ISP”) to determine the true identity of Defendant John Doe  
8 # 4 (“Defendant”), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online media  
10 distribution system to download Plaintiffs’ copyrighted works and/or distribute copyrighted works to  
11 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified  
12 Defendant by a unique Internet Protocol (“IP”) address assigned to Defendant on the date and time  
13 of Defendant’s infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
15 identify Defendant’s true name, current (and permanent) address and telephone number, e-mail  
16 address, and Media Access Control (“MAC”) address. Without this information, Plaintiffs cannot  
17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated  
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
20 Rule 26(f) conference where there are no known defendants with whom to confer.

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1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the  
2 foregoing requested discovery immediately..  
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Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

5 By:  
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MATTHEW FRANKLIN JAKSA  
Attorney for Plaintiffs  
LAFACE RECORDS LLC; ELEKTRA  
ENTERTAINMENT GROUP INC.; UMG  
RECORDINGS, INC.; and WARNER  
BROS. RECORDS INC.

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